



Entered on Docket
January 04, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: December 20, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER SUSTAINING FOURTH OMNIBUS OBJECTION
OF THE USACM LIQUIDATING TRUST TO CLAIMS FOR LACK OF
DOCUMENTATION EXCEPT AS TO PROOF OF CLAIM NO. 10725-00859
FILED BY DOWNEY BRAND LLP**

The USACM Liquidating Trust (the "USACM Trust") filed its Fourth Omnibus Objection to Claims for Lack of Documentation [DE 5363] (the "Objection") on November 19, 2007. Appropriate notice of the Objection was given. A Response to the Objection was raised as follows:

- On December 18, 2007, Downey Brand LLP (the "Responding Claimant") provided documentation supporting Proof of Claim No. 10725-00859. Accordingly, a Stipulation withdrawing the objection was filed with the Court on December 20, 2007 [DE 5533] as to that claim. That claim is not included in Exhibit A attached and is not affected by this Order.

No other responses were received by USACM Trust counsel or filed with this Court. The Objection came before the Court for hearing on December 20, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Fourth Omnibus Objection to Claims for Lack of Documentation except to the extent the USACM Trust has withdrawn that objection; and

- Disallowing the Proofs of Claim listed on the attached Exhibit A without prejudice to any rights the claimants listed in Exhibit A may have as Direct Lenders in a particular loan.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)


Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

1 APPROVED:

2 OFFICE OF THE U.S. TRUSTEE

3 
4 August B. Landis, Esq.
5 Scott A. Farrow, Esq.
6 300 Las Vegas Boulevard, Suite 4300
Las Vegas, NV 89101

7 In accordance with Local Rule 9021, the undersigned certifies:

- 8 ☐ The Court waived the requirements of LR 9021.
- 9 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented
10 parties who have appeared at the hearing regarding this matter and/or who filed
a written objection and each has:
- 11 ☒ approved the form of this order;
- 12 ☐ waived the right to review the order;
- 13 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- 14 ☐ failed to sign and return this proposed order within five (5) business days
in accordance with LR 9021(b).
- 15 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
16 parties who appeared at the hearing regarding this matter and/or who filed a
written objection and all have either approved the form of this order, waived the
17 right to review the order, failed to file and serve papers in accordance with LR
9021(c) and the following have disapproved the form of the order.
- 18 ☐ No opposition was filed and no other party or counsel appeared at the hearing.

19 LEWIS AND ROCA LLP

20 By: /s/ RC (#0006593)

21 Susan M. Freeman

22 Rob Charles

23 Attorneys for USACM Liquidating Trust
24
25
26

**ORDER SUSTAINING FOURTH OMNIBUS
OBJECTION OF USACM LIQUIDATING TRUST TO
PROOFS OF CLAIM FOR LACK OF
DOCUMENTATION
BK-S-06-10725-LBR**

<u>Creditor Name</u>	<u>Claim No.</u>	<u>Date Filed.</u>	<u>Amount</u>
Margaret B. McGimsey Trust c/o William L. McGimsey, Esq. 516 S. Sixth Street, Suite 300 Las Vegas, Nevada 89101	10725-00850	11/03/06	\$96,095.75
McGimsey, Sharon or Jerry c/o William L. McGimsey, Esq. 516 S. Sixth Street, Suite 300 Las Vegas, Nevada 89101	10725-00851	11/13/06	\$311,091.58
Clark, Johnny c/o William L. McGimsey, Esq. 516 S. Sixth Street, Suite 300 Las Vegas, Nevada 89101	10725-00852	11/13/06	\$99,467.908
McGimsey, Bruce c/o William L. McGimsey, Esq. 516 S. Sixth Street, Suite 300 Las Vegas, Nevada 89101	10725-00855	11/13/06	\$86,171.22
Beverly Stiles Revocable Trust DTD 8/10/05 c/o Joe Laxague, Esq. Cane Clark, LLP 3272 East Warn Springs Las Vegas, Nevada 89120	10725-00856	11/13/06	\$12,500.00
Drubin, Daniel & Laura c/o Joe Laxague, Esq. Cane Clark, LLP 3272 East Warn Springs Las Vegas, Nevada 89120	10725-00858	11/13/06	\$270,000.00
Thrower, Debbie c/o Stephen R. Harris, Esq. Belding, Harris & Petroni, Ltd. 417 West Plumb Lane Reno, Nevada 89509	10725-00860	11/13/06	\$50,000.00
Pirani, Ali 13174 North 100 th Place Scottsdale, Arizona 85260-7203	10725-00886	10/31/06	\$50,000.00

EXHIBIT A

**ORDER SUSTAINING FOURTH OMNIBUS
OBJECTION OF USACM LIQUIDATING TRUST TO
PROOFS OF CLAIM FOR LACK OF
DOCUMENTATION
BK-S-06-10725-LBR**

<u>Creditor Name</u>	<u>Claim No.</u>	<u>Date Filed.</u>	<u>Amount</u>
Pirani, Ali & Anisha 13174 North 100 th Place Scottsdale, Arizona 85260-7203	10725-00888	10/31/06	\$276,116.00

EXHIBIT A